

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DAVID ALLEN HAWKINS,  
Petitioner,

v.

ELDON VAIL,  
Respondent.

Case No. C09-5434 RBL

ORDER DENYING ISSUANCE OF  
CERTIFICATE OF APPEALABILITY

THIS MATTER comes on before the above-entitled Court upon Petitioner's Motion for Certificate of Appealability [Dkt. #19].

For the reasons stated in the Report and Recommendation [Dkt. #15], the Court declines to issue a certificate of appealability because the petitioner has failed to make "a substantial showing of the denial of a constitutional right." 28 U.S.C. §2253(c)(2).

**IT IS SO ORDERED.**

The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing pro se.

Dated this 17<sup>th</sup> day of February, 2010.

  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE